

**REMARKS**

**Status Of Application**

Claims 1-15 are pending in the application; the status of the claims is as follows:

Claims 1-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,994,926 to Gordon et al (hereinafter "Gordon").

Please note that an Information Disclosure Statement, along with a PTO Form 1449, was filed on July 1, 1998, September 20, 2000, and February 12, 2002; however, we have not received a copy of the PTO Forms 1449 initialed by the Examiner. Enclosed are copies of the PTO-stamped postcards showing that the U.S. Patent and Trademark Office has received the Information Disclosure Statements and PTO Forms 1449 on July 1, 1998, September 26, 2000 and February 25, 2002, respectively. Acknowledgment of receipt of these documents is respectfully requested.

**35 U.S.C. § 102(b) Rejection**

The rejection of claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by Gordon, is respectfully traversed based on the following.

The Office Action cites col. 8, lines 1-10 and col. 9, lines 35-40 as disclosing "notification data transmission means ... for transmitting notification to the origin indicating that the received confidential image data has not been retrieved from said memory." Office Action, p. 2. The Office Action further states that there is a notice to the origin of the fax that the messages have not been retrieved, since the notification disclosed in Gordon is prior to the user having a chance to retrieve the message. Office Action, p. 3.

While col. 8, lines 1-10 of Gordon discloses that a status message is sent back to the originating SAFF, the message is sent when the fax message is received by the SAFF system. Thus, the status message is a notice of receipt, not a notice that confidential data has not been retrieved. Likewise, col. 9, lines 35-40 of Gordon discloses the existence of

status reports, but does not disclose that the transmission of the status reports is for “indicating that the received confidential image data has not been retrieved from said memory” as recited in Claim 1 of the invention.

Further, Gordon fails to disclose or suggest “deleting the confidential image data from the memory in response to a completion of transmission of said notification” as recited in Claim 1. Gordon likewise fails to disclose or suggest “deleting confidential image data from the memory in response to detection of proper completion of transmission of the notification” as recited in Claim 11. Gordon also fails to disclose or suggest “deleting the confidential image data from the memory in response to a detection of the proper completion of transmission of the notification” as recited in Claim 13.

In contrast to Gordon, which discloses transmission of a status message back to the originator when the fax message is received by the SAFF system, Claim 1 of the present invention recites a notification data transmission means for transmitting notification indicating that the received confidential image data has not been retrieved from memory, wherein the notification is transmitted if the received confidential image data has not been retrieved from the memory within a predetermined period of time.

Thus, Gordon fails to disclose all the elements of Claim 1 and therefore cannot anticipate Claim 1. Claims 2-10 depend directly or indirectly from Claim 1. Since Gordon does not disclose every element of Claim 1, Gordon likewise cannot anticipate Claims 2-10.

Turning to Claim 11, as discussed above, Gordon discloses transmission of a status message back to the originator when the fax message is received by the SAFF system. Gordon fails to disclose a notification data transmission means for transmitting notification, indicating that confidential image data has not been outputted from memory, when the determination means has determined that outputting of the confidential image data from the memory has not been performed. Thus, Gordon fails to disclose all the elements of Claim 11 and therefore cannot anticipate Claim 11. Claim 12 depends from

Claim 11. Since Gordon does not disclose every element of Claim 11, Gordon likewise cannot anticipate Claim 12.

Turning to Claim 13, as discussed above, Gordon discloses transmission of a status message back to the originator when the fax message is received by the SAFF system. Gordon fails to disclose a method of transmitting notification indicating that output has not occurred, when outputting of the confidential image data has not occurred within the predetermined time. Thus, Gordon fails to disclose all the elements of Claim 13 and therefore cannot anticipate Claim 13. Claim 14 depends from Claim 13. Since Gordon does not disclose every element of Claim 13, Gordon likewise cannot anticipate Claim 14.

Turning to Claim 15, as discussed above, Gordon discloses transmission of a status message back to the originator when the fax message is received by the SAFF system. Gordon fails to disclose a notification transmitter adapted to transmit a notification to the source, wherein the notification transmitter transmits the notification after a predetermined time if the confidential image data has not been retrieved. Thus, Gordon fails to disclose all the elements of Claim 15 and therefore cannot anticipate Claim 15.

Accordingly, it is respectfully requested that the rejection of claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by the Gordon Patent, be reconsidered and withdrawn.

### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a

fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

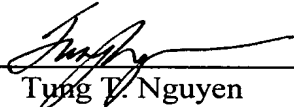
Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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APPENDIX

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

The following is a marked-up version of the changes to the specification which are being made in the attached response to the Office Action dated September 24, 2002.

**IN THE SPECIFICATION:**

The paragraph beginning at page 2, line 14, and ending at page 3, line 4:

The aforementioned facsimile apparatus notifies a sender that a confidential received image has not been retrieved from memory and deletes the unretrieved confidential received image from memory at the same time notification is made. Consequently, ~~when~~ whether or not the sender has properly received notification that a confidential received image has not been retrieved, an unretrieved confidential received image is simply deleted from memory after ~~said~~ the notification is sent. A consequent problem exists in that, when a sender has not properly received notification that such an image has not been retrieved from memory, the sender cannot ascertain the fact that a confidential received image has been deleted from the receiver side memory without ever having been retrieved from memory.